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From the Editor's Desk

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From The Editor's Desk—

After nine years of distinguished service as a Justice on the Supreme Court of New York, the Honorable William B. Lawless, Jr. resigned this past summer to come to Notre Dame as Dean of the Law School. The assumption of his new duties adds a separate dimension to an already diverse career. An elected member of the American Law Institute which is comprised of 400 legal scholars in the United States, Dean Lawless has teaching experience on the faculty of the National College of State Trial Judges, and as a lecturer at the University of Buffalo Law Institute. Professionally, the judicial chapter of his career is preceded by senior trial partnership in a leading Buffalo law firm, and by periods of service as Special Counsel to Governor W. Averill Harriman of New York, as Corporation Counsel for the City of Buffalo and as President of the Buffalo City Council. Socially conscious, he has managed to remain officially active in civic affairs and on public welfare committees.

Although he holds the degree of Master of Laws from Harvard University, Dean Lawless returns with his wife and twelve children to a campus not unfamiliar to him. He graduated from the Notre Dame Law School in 1944 after serving as Editor-in-Chief of Volume 19 of the *Lawyer*, and the depth of his continuing dedication has been recently marked by the high tribute of his predecessor, Dean Joseph O'Meara: "[N]o one has been more consistently effective in recruiting able students than Justice William B. Lawless . . ." Dean Lawless comes most qualified to Notre Dame — and sincerely welcome.

For the first time in the history of the Notre Dame Law School and, as far as we know, for the first time in the history of American legal education, students will go abroad this year to pursue their study of the law. Comprised of some thirty second-year students, the select group will receive instruction with English law students at University College, University of London. The curriculum will consist of a combination of courses which are traditionally taught at Notre Dame and of elective courses in comparative and international law. Professor Conrad Kellenberg of the Notre Dame Law School will accompany the group, and will provide the students with insights into the American aspects of their English courses. The regular year's study in London will be followed next May by two weeks of review and evaluation at Cumberland Lodge on the grounds of Windsor Castle, a session that will enjoy the distinguished presence of Judge Charles Desmond, former Chief Judge of the New York Court of Appeals.

The year abroad program is an innovation implemented by Dean William Lawless, and signals a fresh approach to the demands of legal education. We

are happy to announce that Dean Lawless will further detail his ideas on what law schools are and should be in an upcoming issue of the *Lawyer*.

In this initial issue of volume 44, the *Lawyer* is pleased to present three lead articles of wide interest. Frank E. Booker, Visiting Professor of Law at the University of Notre Dame, and Richard Morton, Professor of Law at Cleveland-Marshall Law School, examine the Hearsay rule and draw an important analogy to an old English series of plays and to George Orwell's novel, *1984*. They contend that an important value has been excised out of the rule by Wigmore and that this has caused confusion and attacks upon the value of this deeply entrenched and formerly revered common law rule. In order to save the rule from a fate similar to the St. George plays and "Newspeak," the authors contend that, in addition to the lack of opportunity for cross-examination, another equally important reason for the Hearsay rule is that such evidence is not based on firsthand knowledge.

The Basic Protection Plan of Professors Keeton and O'Connell comes under attack in an article by David J. Sargent, Professor of Law at Suffolk University School of Law, and Philip Corboy, a noted Chicago trial attorney. Messrs. Sargent and Corboy reject the plan on the ground that it fails to remedy the alleged faults which it sets out to correct, and, furthermore, that it creates a totally inequitable system which penalizes the good driver in favor of the negligent one.

Finally, Captain John R. Brancato surveys the present state of the law on property tax exemptions for religious institutions. In order to facilitate the administration of granting such exemptions, he proposes an integrated definition of religion and the use of a "functional approach" to the problem.